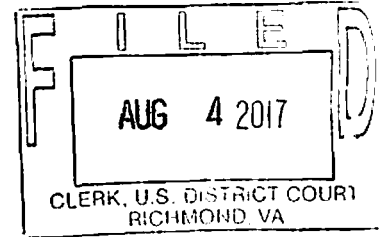


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



RAYMOND JENKINS, JR.,)	
)	
Petitioner,)	
v.)	Civil Action No. 3:16CV345–HEH
)	
COMMONWEALTH OF VIRGINIA,)	
)	
Respondent.)	

MEMORANDUM OPINION
(Adopting Report and Recommendation and Dismissing Action)

Raymond Jenkins, Jr., a former Virginia inmate proceeding *pro se*, filed this petition for habeas corpus under 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 1) challenging the calculation of his sentence by the Virginia Department of Corrections. On July 14, 2017, the Magistrate Judge recommended that the Motion to Dismiss be granted, Jenkins’s claim be dismissed, and the § 2254 Petition be denied as meritless. (ECF No. 19.) The Court advised Jenkins that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Jenkins has not responded.


“The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court.” *Estrada v. Witkowski*, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). This Court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). “The filing of objections to a magistrate’s report enables the district judge to focus attention on those

issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge’s recommendation without conducting a de novo review. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, and the Court having determined that the Report and Recommendation is correct on its merits, the Report and Recommendation (ECF No. 19) will be accepted and adopted. The Motion to Dismiss (ECF No. 14) will be granted. Jenkins’s § 2254 Petition (ECF No. 1) will be denied. Jenkins’s claim and the action will be dismissed. A certificate of appealability will be denied.¹

An appropriate Final Order will accompany this Memorandum Opinion.

Date: Aus. 4, 2017
Richmond, Virginia


_____/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

¹ An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability (“COA”). 28 U.S.C. § 2253(c)(1)(a). A COA will not issue unless a prisoner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)). Jenkins fails to meet this standard. Accordingly, the Court will deny a certificate of appealability.